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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 IN RE CAPACITORS ANTITRUST
12 LITIGATION

13 THIS DOCUMENT RELATES TO:
14 ALL DIRECT PURCHASER ACTIONS,

Master File No. 3:14-cv-03264-JD

**[PROPOSED] FINAL JUDGMENT OF
DISMISSAL WITH PREJUDICE AS TO
DEFENDANT FUJITSU LIMITED**

15 Date: March 2, 2017
16 Time: 10:00 a.m.
17 Judge: The Honorable Judge Donato
18 Courtroom: 11, 19th Floor

19 This matter has come before the Court to determine whether there is any cause why this
20 Court should not approve the settlement between Plaintiffs Chip-Tech, Ltd., Dependable
21 Component Supply Corp., eIQ Energy, Inc., and Walker Component Group, Inc. (together, the
22 “Direct Purchaser Plaintiffs” or “Plaintiffs”), individually and on behalf the Direct Purchaser Class
23 they seek to represent, on the one hand, and Fujitsu Limited, on the other, set forth in the Settlement
24 Agreement dated January 18, 2016 (the “Settlement Agreement”). The Court, after carefully
25 considering all papers filed and proceedings held herein and otherwise being fully informed in the
26 premises, has determined (1) that the settlement should be approved, and (2) that there is no just
27 reason for delay of the entry of this Final Judgment approving the Settlement Agreement.
28 Accordingly, the Court directs entry of Judgment, which shall constitute a final adjudication of this

1 case on the merits as to Fujitsu Limited in accordance with the terms of the Settlement Agreement.

2 Good cause appearing therefor, it is:

3 **ORDERED, ADJUDGED AND DECREED THAT:**

4 1. The Court has jurisdiction over the subject matter of the Action and over all parties to
5 the Settlement Agreement, including all members of the Settlement Class.

6 2. The Court incorporates in this Final Judgment the definitions of terms set forth in the
7 Settlement Agreement [ECF No. 1461-2] as though they were fully set forth in this Final Judgment.
8 Specifically, "Settlement Class," as defined in the Settlement Agreement, means all persons in the
9 United States that purchased Capacitors (including through controlled subsidiaries, agents, affiliates
10 or joint ventures) directly from any of the Defendants, their subsidiaries, agents, affiliates or joint
11 ventures from January 1, 2002, through July 22, 2015. Excluded from the Settlement Class are
12 (i) Defendants (and their subsidiaries, agents and affiliates) and their co-conspirators and (ii) each
13 member of the Class Action who has timely requested exclusion by "opting out."

14 3. The Court finally approves and confirms the settlement set forth in the Settlement
15 Agreement and finds that said settlement is, in all respects, fair, reasonable and adequate to the
16 Settlement Class pursuant to Rule 23 of the Federal Rules of Civil Procedure.

17 4. Pursuant to Fed. R. Civ. P. 23(g), the Court appoints the Joseph Saveri Law Firm as
18 counsel for the Settlement Class. This firm has and will fairly and competently represent the
19 interests of the Settlement Class.

20 5. The persons/entities identified in the "Summary of Entities Requesting Exclusion"
21 filed by Plaintiffs on February 21, 2017 [ECF No. 1498-3], have validly requested exclusion from the
22 Class and, therefore, are excluded, except that Hon Hai Precision Industry Co. Ltd., Dell Inc., and
23 EMC Corporation did not request to be excluded with respect to the settlement relating to
24 Fujitsu Limited. Such persons and entities, and only such persons and entities, are not included in or
25 bound by this Final Judgment to the extent they have requested exclusion from the settlement
26 relating to Fujitsu Limited. Such persons and entities shall not receive any of the proceeds obtained
27 through the Settlement Agreement to the extent they have requested exclusion from the settlement
28 relating to Fujitsu Limited.

1 6. This action is dismissed with prejudice as against Fujitsu Limited, each side to bear its
2 own costs and attorneys' fees except as provided by the Settlement Agreement and the Court's
3 orders.

4 7. All persons and entities who are Releasors are hereby barred and enjoined from
5 commencing, prosecuting or continuing, either directly or indirectly, against the Releasees, in this or
6 any other jurisdiction, any and all claims, causes of action or lawsuits, which they had, have, or in the
7 future may have, arising out of or related to any of the Released Claims as defined in the Settlement
8 Agreement [ECF No. 1461-2].

9 8. The Releasors hereby and forever release and discharge the Releasees with respect to
10 the Released Claims as defined in the Settlement Agreement [ECF No. 1461-2].

11 9. Without affecting the finality of the Court's judgment in any way, the Court retains
12 continuing and exclusive jurisdiction over the Settlement and the Settlement Agreement, including
13 all future proceedings concerning the administration, interpretation, consummation, and
14 enforcement of the Settlement Agreement.

15 10. This document constitutes a final judgment and separate document for purposes of
16 Federal Rule of Civil Procedure 58(a).

17 11. The Court finds, pursuant to Rules 54(a) and (b) of the Federal Rules of Civil
18 Procedure, that there is no just reason for delay in the entry of this Judgment, as a Final Judgment, as
19 to Plaintiffs and the Settlement Class and Fujitsu Limited. Accordingly, the Court directs the Clerk
20 to enter Judgment forthwith.

21 IT IS SO ORDERED.

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23 Dated: _____
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26 HON. JAMES DONATO
27 United States District Judge
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